

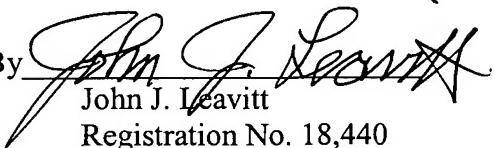
## REMARKS

This amendment to the application is being submitted following the receipt from the Examiner by facsimile transmission of a copy of the Action mailed on July 28, 2005. The undersigned did not receive the Action mailed on July 28, 2005. The undersigned requested a status report on the application by a facsimile transmission dated September 20, 2005. A copy of the request for a status report is attached hereto. Also attached hereto is a copy of the Auto-Reply Facsimile Transmission received from the Patent Office on the same date.

While the undersigned has attached an Extension Fee of \$510.00 it is respectfully submitted that in view of the non-receipt of the Action mailed July 28, 2005, applicant ought not be penalized in the amount of the extension fee and the undersigned will seek authority from the applicant to file a Petition seeking a refund of the extension fee.

Respectfully submitted,

Robert Rascon

By   
John J. Leavitt  
Registration No. 18,440  
Customer No. 29741

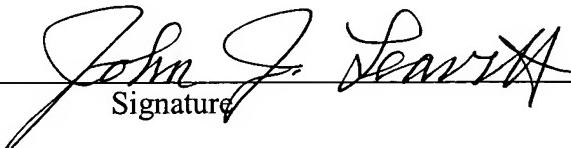


### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as EXPRESS MAIL in an envelope addressed to

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on January 26, 2006.

  
\_\_\_\_\_  
Signature

John J. Leavitt

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